

DOUBTS STRENGTH OF RESERVE CLAUSE

Fultz Defends Attitude of Baseball Players' Fraternity.

ALLEGES DEFECTS IN LEAGUE CONTRACTS

Failure to Specify Salary, He Says, Would Make Agreements Unenforceable.

In answer to the charges that the Baseball Players' Fraternity was not observing its obligations to organized baseball in refusing to advise its members to respect the reserve clause of their contracts, David L. Fultz, president of the organization, issued the following statement yesterday:

"The fraternity has been more or less severely criticised for not compelling its members to regard the so-called reserve clause contained in contracts of organized ball. We have refused to do this for one reason, because we have felt that we would be putting ourselves in a very questionable light by disciplining our members for not doing something the law might later decide they were not bound to do. Had we taken this step we would have run the risk of not only being unfair to our members, but of subjecting ourselves to actions at law for unjust disciplinary measures.

"If this very troublesome clause is tested—as now seems likely, we believe the result will prove that we have been wise in the stand we have taken.

"Whether or not this clause is binding in law is a question which has often been discussed, with various lines of reasoning and with results which can in no way be reconciled.

"Many persons apparently think of the clause as a fixed quantity, whereas until very recently there were almost as many different forms of it as there were leagues in existence. As some of these clauses are undoubtedly without force and others possibly good, no blanket opinion can be an intelligent one, and those which have been rendered without giving the text of the particular clause passed upon are, it seems to me, valueless.

"The reserve clauses as set forth in the two major league contracts for the season of 1913, and under which players who have jumped to the Federal League must be held if at all, are identical and to my mind are unquestionably unenforceable.

"There are two alleged defects in the provision—first, its inequitable nature, in that it binds the player for his entire career, while the club is bound for only ten days, and second, its neglect to state what salary shall be paid under the contract to be entered into. The first objection is somewhat involved and does not need to be considered here, as the second is sufficiently vital to rob the clause of any binding force.

"This clause reads in part as follows: 'In consideration of the compensation paid to the party of the second part, by the party of the first part, as recited in clause 1 hereof, the party of the second part agrees and obligates himself to contract with and continue in the service of said party of the first part for the succeeding season at a salary to be determined by the parties of such contract.' It can be easily seen that one of the vital elements of the contract, namely, the salary, has been left to future negotiations. There is, therefore, no meeting of the minds of the parties and no contract agreed upon for the courts to enforce.

"The leading New York case on the point is the Metropolitan Exhibition Company, at one time operating the New York ball club, against John M. Ward, the present business manager of the Brooklyn Federal League club and a successful New York attorney.

"The New York ball club attempted by a preliminary injunction to restrain Ward from playing with one of the Brooklyn teams during the year of 1909. The reserve clause of Ward's contract was stronger than the one of to-day, as it provided that the salary for the succeeding year should not be less than \$2,000, while the present one provides no minimum whatsoever, leaving the matter entirely with the owners.

"The court, however, refused to grant the injunction for the reason, among others, that the terms were too indefinite. It said 'That a court of equity will not make a contract which the parties themselves have not made and that it will not enforce an indefinite one as elementary propositions that need no citation of authorities to support them.'

"In the case of the Philadelphia ball club against Lajoie, a Pennsylvania case, which is looked upon as upholding the reserve clause of the contract provided that the same, thus doing away with the objection of want of definiteness.

"It also provided that it could be renewed for a period of three years, thus avoiding, to a slight extent at least, the objection of want of mutuality now used against the present contracts, which have no limitation to the renewal period.

"It can readily be seen, therefore, that this case can be of little value in upholding the present reserve clause."

INDIANS TO MEET ATHLETICS TO-DAY

Newark Fans Interested in New Men on This Year's Team.

The Newark baseball team, much reconstructed since it won the International League championship last season, will make its first home appearance for the 1914 campaign this afternoon, playing the Philadelphia Athletics, who carry the title of world's champions.

There appears to be much interest among the Newark fans in their team, which has been training for six weeks in the South. More than half a dozen new faces will be seen in the squad, including Mike Heckinger, catcher; Ray Mow, shortstop; and Leo Callahan, outfielder, who have been turned over by Brooklyn; Leo Witter, another outfielder; Sherrod Smith and Zach Erhard, recruited from other clubs.

Connie Mack has announced that he will send his regular team, with some recruit pitchers. Consequently, Murphy and Barry, who played a prominent part in the world's series last fall, will disport for the fans. The game is scheduled to begin at 3 o'clock.

CLOSE PLAY AT FIRST BASE AS THE YANKEES DEFEATED THE SUPERBAS IN BROOKLYN YESTERDAY



DALTON SLIDING BACK TO FIRST BASE ON THROW FROM KEATING TO WILLIAMS IN THIRD INNING.

Overconfidence Nearly Cost Tigers a Game

Rutgers Comes from Behind After Substitutes Go in and Is Beaten Only in the Eleventh.

(By Telegraph to The Tribune.) Princeton, N. J., April 4.—Too great confidence with only a three-run lead compelled the Princeton baseball players to fight Rutgers for two extra innings this afternoon and barely escape disaster by a final score of 4 to 3.

It was the opening game of the season for Rutgers, and only the second for the Tigers. Lambertson, the big southpaw pitcher of last year's freshman team, pitched his first varsity game for Princeton and had things so completely his own way for the first six innings that only eighteen men faced him, while the Tigers got three men home.

Considering the game safely stowed away, Clarke, the coach, sent out a new battery and two other substitutes in the seventh frame, with the result that a hit and three errors in the seventh, while a single, followed by a two-base hit, in the ninth, tied the score.

Jennings, pinch runner for Rutgers, was not brilliant, but proved fairly consistent, keeping seven hits well scattered, except in the fourth frame, when he weakened. He was backed by more reliable fielding than Deyo after the Princeton substitution.

REMER WINS THE MILE WALK TITLE

Lowers Record, Too, in Defeating Small Field at 8th Regiment Games.

Richard F. Remer, the two-mile indoor national walking champion, added the one-mile Military Athletic League crown to his laurels in defeating a small field at the annual games of the 8th Regiment, held in its armory, Park avenue and 9th street, last night. The event was left over from the recent championships held at the 1st Regiment armory.

The Irish-American Athletic Club walker broke the tape in 6 minutes 57 3/4 seconds, establishing a new record for the distance. The former mark was 7 minutes 17 seconds, and was made by Benny Mann, the present champion of the 8th Regiment athletes, two years ago.

Frank R. Plant, representing the 12th Regiment, was second, some 25 yards behind, with Arthur J. Davis, of the 22d Regiment, third, far in the rear. Daniel F. Smith, a clubmate of Remer and the only other starter, went only two laps, when he decided to quit.

Benny Barron, Louis Cohen and Louis Martens were among the victors in the races closed to the regiment. The first named won the 200-yard sprint race and finished second to Louis Martens in the 60-yard dash.

The summaries follow: Fifty-yard dash (handicap, closed)—Won by Barron, 31st Company (10 feet); B. Barron, 31st Company (10 feet), second; J. Radulski, 25th Company (10 feet), third. Time, 1:12.5. One-mile run (handicap, closed)—Won by B. Barron, 31st Company (10 yards); B. Barron, 31st Company (10 yards), second; D. J. Hayes, 26th Company (10 yards), third. Time, 5:50.5.

One-mile walk (handicap, closed)—Won by R. F. Remer, 8th Regiment (10 feet); R. F. Remer, 8th Regiment (10 feet), second; A. J. Davis, 22d Regiment (10 feet), third. Time, 6:57.3/4.

One-mile walk (handicap, closed)—Won by B. Barron, 31st Company (10 yards); B. Barron, 31st Company (10 yards), second; D. J. Hayes, 26th Company (10 yards), third. Time, 5:50.5.

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tion had been made, but he lost in the eleventh inning, when a two-bagger, a base on balls and a single accounted for the winning run.

The weakest feature of Princeton's playing while the regular 'varsity' men were in their positions was their batting. Only one fielding mistake was made in that time.

The score follows: PRINCETON. ab r h po a e. Rutgers. ab r h po a e. Kelleher, rf. 4 0 0 0 0 0. Leads, ss. 5 0 2 3 2 0. Hopt, cf. 1 1 2 0 0 0. Hruby, 2b. 5 1 3 2 0 0. Hanks, lf. 1 0 0 0 0 0. Browning, c. 5 0 0 2 0 0. Cook, lf. 2 0 1 0 0 0. Twining, lb. 4 2 1 5 0 0. Reed, 3b. 2 1 1 4 1 0. Powell, 1b. 1 0 0 2 0 0. Rindles, 1b. 2 0 1 0 0 0. Aiken, rf. 4 0 0 4 1 0. Gill, 2b. 1 0 1 0 0 0. Schenk, lf. 4 0 1 0 0 0. O'Kane, 2b. 1 0 0 0 0 0. Wales, 3b. 1 0 0 2 1 0. Law, ss. 2 0 0 2 0 0. Gilliam, cf. 4 0 0 2 0 0. Bolton, ss. 2 0 1 2 1 0. Jennings, p. 4 0 1 1 4 1. Wall, c. 1 0 2 2 0 0. Deyo, p. 2 0 0 0 3 1. Totals. 33 4 7 33 17 4. Rutgers. 40 5 21 15 2.

Moore batted for Lambertson in fifth inning. Coleman ran for Twining in ninth inning and scored run. Bowen batted for Wales in ninth inning. One out in eleventh inning when winning run was scored.

Stolen bases—Schenk, Coleman, Kelleher, Reed, Cook, Rhodes. Sacrifices—Hite-Red, Moore, Rhodes. Sacrifice fly—Gill. Two-base hit—Reed, Gill, Schenk. Double play—Aiken to Twining. Innings pitched—By Lambertson, 5; by Deyo, 4; by Jennings, 1; off Deyo, 2. Struck out—By Lambertson, 2; by Deyo, 2; by Jennings, 1. Bases on balls—Princeton, 5; Rutgers, 4. Umpires—Conahan and Freeman. Time—2:30.

AMERICAN DOWNS ENGLISH CHAMPION

Jack White Beats Covey in Hard Fought Court Tennis Match.

In a handicap court tennis match that went the full five sets, Jack White, the local professional, defeated George F. Covey, champion of Great Britain, at the Racquet and Tennis Club yesterday afternoon. The foreign visitor attempted to concede half fifteen to his opponent, and although he failed, the margin of defeat was so slight that it was a question if any better odds could have been arranged.

Covey had improved his game over the form he displayed against Jay Gould at Philadelphia a few weeks ago, and before yesterday's match he stated that he had become more accustomed to the livelier balls used in this country. On the other hand, White, who had been playing well for some time past, was regarded as having an excellent chance, and the opinion of the members and guests who crowded the stands and galleries was about evenly divided as to the probable outcome. Jay Gould was an interested spectator.

After starting unsteadily White began playing in his best form and managed to pull the first set out of the fire by a score of 6-3. He found the winning openings with rare accuracy and kept the ball extremely low, skimming the net by the narrowest of margins. He was at his best in the second set, where he allowed Covey only a single game. The foreign visitor put on speed in the third set, winning by a score of 6-3. At that time White appeared to be tiring, and when his opponent won the next set by a score of 6-4 nearly every one expected to see Covey gather in the honors.

White was beaten to a standstill in the early stages of the decisive set, the count going to four love before he won a game. A few moments later Covey had it 5-1, and just when the spectators were getting ready to move White started an unexpected brace that carried the games to 5-11. Vantage set was then called, and although Covey won the eleventh game the next three went to White, who finished with a great burst of speed.

The summary follows: Jack White, New York, defeated George F. Covey, England, 6-3, 6-1, 3-6, 4-6, 6-4. Referee—M. S. Paton. Marker—Harry Harris.

Elects Officers for the Year. The Metropolitan Yacht Club has elected the following officers for 1914: Commodore, William E. Caesar; vice-commodore, Robert Spittle; rear commodore, M. F. Brickner; treasurer, George J. Oakes; financial secretary, John Lavery; recording and corresponding secretary, James A. MacDonald; house committee, John Gallagher, chairman; regatta committee, William Symmer, chairman, and entertainment committee, A. J. Fredenberg, chairman.

Russell Wins for White Sox. Fort Worth, Tex., April 4.—Reb Russell, formerly a Fort Worth Southpaw, held his former team mates to five hits today and the Chicago Americans won the second game of the series by a score of 6 to 3.

COLUMBIA NINE WINS OPENING CONTEST

Has Margin of Only One Run Over N. Y. U. in Slow Game.

MANY ERRORS DUE TO FRIGID ATMOSPHERE

Followers of Morningside Team Disappointed Over Poor Work on Attack.

New York University threw a scare into Columbia in the opening baseball game of the season on Morningside Heights yesterday, and it was only after an uphill fight that the Blue and White nine was able to win by a score of 5 to 4.

The frigid atmosphere made clean handling of the ball well-nigh impossible, and consequently there were many errors, especially on Columbia's side of the ledger. The game was slow and uninteresting, and there seemed little to choose between the teams.

Illness handicapped the Columbia nine to a considerable extent, and Dwyer, the regular left fielder, and Watt, second base, were unable to play. Just as the game was about to begin Gretsich, who was slated for Watt's position at second base, split his finger and had to retire. This put a third string man into the line-up and caused another rearrangement of the team.

Charley Hann, captain of the Harvard team in 1912, playing first base for Columbia, and was a powerful factor in leading the team and directing the play on the field.

Shea, a sophomore, had his first try-out in the box as a varsity twirler for the Blue and White, and although he held the New York batsmen down to a brace of safeties he was wild. On bases on balls and a wild pitch, mingled with three errors by his teammates, New York University jumped into a four-run lead in the fifth inning.

Columbia displayed no exceptional strength with the bat, and was able to count Tyler for only six hits. One of these was a home run by Shea, the pitcher, however, and resulted in the scoring of three runs, so that although the efforts of the Columbians were limited, the quality work was away above par. Roseff, the catcher, poled out a three-bagger in the second inning, and in his next trip to the plate, in the fourth inning, he jammed a double into center field.

Columbia men, despite the fact that the game was the first of the season, were plainly disappointed at the showing of their team. The nine failed to disclose any real driving power with the bat, a fact emphasized by the number of infield taps, which resulted in nineteen assists for the New York University players.

The fielding of the Columbians was not up to par, either. Captain Friedrichs, with two bad errors, was as much at fault as any of his mates. In the closing innings the Blue and White began to find itself, and the efforts of the Columbians were limited, the quality work was away above par. Roseff, the catcher, poled out a three-bagger in the second inning, and in his next trip to the plate, in the fourth inning, he jammed a double into center field.

The score follows: COLUMBIA. N. Y. UNIVERSITY. ab r h po a e. ab r h po a e. Pullison, 2b. 4 0 1 0 2 0. Wolff, lf. 4 1 1 0 0 0. Haaren, 2b. 1 0 0 0 1 0. Plank, cf. 5 0 0 2 0 0. Hanks, lf. 3 0 0 1 0 0. Lynch, 3b. 4 0 0 1 0 0. Friedrichs, ss. 4 0 0 3 2 0. Thompson, 2b. 2 0 1 1 1 0. Page, cf. 4 0 1 0 0 0. Burke, 2b. 4 0 0 2 1 1. Brophy, cf. 2 1 1 0 1 0. McIntire, 1b. 4 1 0 1 0 0. Roseff, cf. 2 2 2 0 0 0. McElroy, cf. 3 0 0 2 0 0. Shea, p. 4 1 1 0 0 0. Tyler, p. 4 1 0 1 0 1. Totals. 35 5 6 27 6. Rutgers. 40 5 21 15 2.

None out in ninth inning when winning run was scored. Columbia. 6 0 0 1 0 2 0 3-5. New York University. 0 0 0 4 0 0 0-4. Home run—Shea. Three-base hit—Roseff. Two-base hits—Thompson, Stolen bases—Munphy, Wolff, Sacrifice hit—Hanks. Sacrifice fly—Burke. Double plays—Hanks and Hann; Plank and Friedrichs; Hanks and Brophy; Brophy and Tyler; Haaren and Brophy; by Shea (Thompson). Struck out—By Shea, 8. First base on balls—Off Shea, 3; off Tyler, 5. Umpire—Thompson. Time—2:15.

Standing of Clubs in Winter League

Club.	Won.	Lost.	P. C.
University.....	10	2	.833
Union.....	7	4	.636
12th Regiment.....	6	6	.500
Racquet and Tennis.....	5	6	.454
Knickerbocker.....	4	7	.363
Calumet.....	3	7	.300

PARTING SHOTS :

OESCHGER.

It's easy enough to defy them When cool blow the breezes of spring, But a world's series punch when they're playing a hunch— Well, that is another thing.

If Charley Ebbets intends to make his winter baseball a regular feature, he would do well to have the palatial park piped for steam heat. Otherwise the law is likely to get after him for inhumanity to man.

Charley Herzog doesn't intend to have any loading on his team, if he has to amputate the few stars that remain to him. However, there is something ominous about Marsans's threat to jump to the Reds. More of this talk will be heard later in the season as the heavy hand of discipline descends on other teams.

The Yankees have shown flashes of real form in the interleague conflict. There is a semblance of a regular team, with fine pitching, strong fielding and good hitting. Firm foundations have been laid by Chance, and some day, if he is lucky, he will pick up a Speaker or a Johnson. Then he will have a pennant winner. All he needs is a jewel to slip into the setting.

Nobody hereabouts seems greatly excited over the selection of a place to stage the next football battle between Annapolis and West Point. New York can worry along without the fixture, much as it would be pleased to entertain the visitors. As a matter of fact, few of the rank and file in Manhattan are granted the privilege of buying tickets.

"Knockout" Brown had some hard sledding to do in his bout with Packy Hommey, and several witnesses were inclined to believe that Valentine is no longer what he was once. But those on the inside and in the confidence of Dan Morgan were apprised of the fact that Brown never is at his best when the 3d falls on a Friday, especially in April.

Umpires in natty grass uniforms will be a feature of the outland games during the hot months. These will by no means be a novelty in baseball. There was always a bit of a crash about Charlie Murphy's apparel.

Fourteen spectators, mostly deadheads, came out to see a recent exhibition game played by the Washington Senators. Evidently the debate on the canal toll is a big attraction. We hope it is settled before the regular season opens.

If two doubles and two singles in two games are the result of an attack of malaria, Frank Chance might prescribe Cook's ailment for the rest of the team.

Baseball on College Diamonds

Princeton.....	4	Rutgers.....	3
Columbia.....	5	N. Y. Univ.....	4
Fordham.....	3	Lafayette.....	1
Pennsylvania.....	1	F. and M.....	0
Dickinson.....	7	West Point.....	2
Georgetown.....	3	Cornell.....	5
Maryland.....	4	Johns Hopkins.....	5
Catholic Univ.....	6	Vermont.....	2
Selon Hall.....	14	City College.....	3

UNIVERSITY CLUB TAKES BIG LEAD

Fur-Clad Crowd Sees Winter Leaguers Beat Union Club Nine.

SMALL DOUBT AS TO OUTCOME OF SERIES

Knickerbocker Team Falls Easy Prey to Players of 12th Regiment.

The University Club virtually clinched the pennant, or whatever hinges on the result of the Winter League games, by beating the Union Club in the final game of a thrilling double-header at "the lot," Fifth avenue, near 73d street, yesterday afternoon. While several hundred enthusiasts sat about some warmly clad in fur overcoats (which were the envy of the less fortunate), and some with teeth chattering in the arctic atmosphere, the University men downed their nearest rivals by a score of 11 to 7 and sprang clear with a lead of two and a half games.

In the opening game the team of the 12th Regiment ran roughshod over the Knickerbocker Club's representatives by the all-sufficient score of 14 to 5.

There was not a man on any of the teams who did not qualify for membership in the Arctic explorers' set, with full privileges. Although the day was cold enough to pull a tendon or spring a neat little churlish horse, they stuck right at the game, winging the ball across the diamond after the fashion of Hans Wagner or adding into the bag a la Ty Cobb.

Johnny De Saules, of football fame at Yale and recently appointed to the diplomatic service in Uruguay, injured his back in fielding a grounder and aggravated it by sliding into third with a pretty book. He refused to leave the game, however.

Difference of opinion not alone makes horse racing, but causes the more positive to back their beliefs along other lines. There were many of the positive on hand yesterday on both sides. The University Club was favorite at odds of 5 to 3.

For five innings the game was close and interesting. Simmons and Delafeld had a merry battle in the box, and both received good support. Of course, here and there a heroic heave percolated through, but these were few and far between. To offset the bad breaks there were many brilliant plays. De Saules, third baseman for the Union Club, and Homans, shortstop for the victors, vied for honors.

Homans was a wizard in pulling down flies off the wire screen, and in the eighth inning brought the crowd to its feet by shooting Benjamin's blazing grounder to first base in time to get the runner. De Saules roved about here and there, picking them up and throwing with great skill and accuracy.

Simmons had a twist on the ball that bothered the opposing batsmen. They picked off eleven hits, but he had the knack of putting on the screws in times of danger, and, with the exception of the ninth inning, allowed no more than one run at a time. His fielders added to no small degree, and an error by the brilliant Homans alone marred the card. Wilcox and his big stick were prominent in the victory, too, and drove home several runs.

Delafeld was in the box for the Union Club and was not quite up to form. He was hammered for fifteen hits, and these, coming along in bunches, soon produced the desired results.

The 12th Regiment had no regard for any one's feelings in the opening game. They took the bull by the horns right in the opening chapters and put at rest all doubt. Falling on the slants of Rae, they hammered out nine runs in the first five innings. These in themselves would have been enough to settle the game, but in the eighth and ninth frames they put together five more. Holt, who pitched for the soldiers, was a puzzle. In the eight innings he pitched he allowed only nine hits and three runs. Hildreth then took command and allowed four hits and two runs.

The summaries follow: 12TH REGIMENT. ab r h po a e. Knickerbocker. ab r h po a e. Brown, 2b. 9 1 4 5 4 2. De Rham, 2b. 12 3 8 5 2. Simmons, 2b. 12 2 3 2 1 0. McCoy, c. 8 2 7 1 1 0. Cross, ss. 7 0 1 2 3 1. Holt, p. 6 3 2 0 2 1. Warden, c. 7 0 3 1 0 1. Adams, 2b. 2 1 2 1 0 0. Jones, lf. 7 3 4 12 0 0. Rae, p. 11 3 1 0 1.

Totals. 64 22 27 16. Rutgers. 40 5 21 15 2. 12th Regiment..... 5 2 2 0 0 4 1-14. Knickerbocker..... 1 0 0 1 1 0 0-5. Stolen bases—Hildreth, McCoy, Holt, Ashmore, Jones (6). De Rham (2), Kermoachan, Cross and Rae. Left fielder—Hildreth. R. Knickerbocker Club. Double plays—Hildreth to Jones (3); Jones, unassisted; De Rham to Paine; Paine to Kermoachan. Bases on balls—Off Holt, 1; off Hildreth, 1; off Rae, 4. Umpires—Corrigan and Schultz.

UNIVERSITY CLUB. N. Y. UNIVERSITY CLUB. ab r h po a e. ab r h po a e. Homans, 2b. 9 2 4 2 1 0. De Saules, 2b. 12 3 8 5 2. V. De Saules, 2b. 12 3 8 5 2. Simmons, 2b. 12 2 3 2 1 0. McCoy, c. 8 2 7 1 1 0. Cross, ss. 7 0 1 2 3 1. Holt, p. 6 3 2 0 2 1. Warden, c. 7 0 3 1 0 1. Adams, 2b. 2 1 2 1 0 0. Jones, lf. 7 3 4 12 0 0. Rae, p. 11 3 1 0 1.

Totals. 64 22 27 16. Rutgers. 40 5 21 15 2. 12th Regiment..... 5 2 2 0 0 4 1-14. Knickerbocker..... 1 0 0 1 1 0 0-5. Stolen bases—Homans (2), Simmons, Wilcox (2), Green, Pell, De Saules (3), Benjamin, Delafeld, Warden. Left on bases—Conrighy, Wilcox, 1b; Union Club, 3. Double plays—Pell to Strick, bases on balls—Off Simmons, 2. Struck out—By Simmons, 2. Umpires—Jones and Schultz.

Blues Score at Bensonhurst. There was a good field of gunners at the new traps of the Bensonhurst Yacht Club on the shores of Gravesend Bay yesterday. Interest principally centred in a team shoot at 125 targets, which was won by the Blues, under the command of Dr. Elliott. The take home trophy fell to J. Whitehead. Leonard scored a leg on the Elliott cup.

Griffith Sells Two Senators. Washington, April 4.—Clark Griffith, manager of the Washington American League baseball team, has sold John Mumford, pitcher, and Emil Mousel, outfielder, to the Elmira club of the New York State League, under the optional agreement plan.

They will report at Elmira on April 8. Meusel came here from the Los Angeles club, Pacific Coast League, while Mumford is a local player.

FEDERALS FIGHT FOR KILLIFER'S SERVICE

Judge Sessions, of Grand Rapids, Takes Case Under Advisement.

DECISION POSSIBLY READY NEXT TUESDAY

Court Intimates That Complainants Were Party to Player's Breach of Contract.

Grand Rapids, Mich., April 4.—Decision as to the winner in the first open battle between the new Federal Baseball League and organized baseball, as represented by the National League, is now up to the umpire, Judge Clarence W. Sessions, of the United States District Court for Western Michigan.

Arguments of counsel in the early brought by the management of the Chicago Federal League club to enjoin William J. Killifer, Jr., from continuing in the service of the Philadelphia National League club or any other than the Chicago Federal League organization were completed late to-day, and the judge took the case under advisement. He announced that he would not render a decision before next Tuesday, and possibly not for a week or ten days.

While the counsel for the Federal League centred their attack upon the reserve clause of contracts in organized baseball and the so-called ten-day clause, permitting a club to dispense with a contracted player's services at any time after a ten-day notice, the issue centered off at a tangent when Judge Sessions during the argument raised the question as to the Federal League's moral rights in the matter.

Under hypothetical questions directed at counsel for the Federal League the judge pointed out that Killifer and the management of the Philadelphia club are the parties to the contract containing the reserve and ten-day clauses, and both have said they are satisfied. Further, he referred to the Chicago Federal League club as an outsider, not a party to the contract, but nevertheless seeking relief from the court on a breach of the original contract which it, by offering larger inducements, might have inspired. He said:

"He who seeks equity must himself come into court with clean hands. You, having been a party to the breach of obligation, claim you are entitled to an enforcement of the contract, notwithstanding your action in that regard."

L. L. Gates, of Indianapolis; Stuart L. Knappen, of Grand Rapids; and S. H. Strawn, of Chicago, represented the Federal League in the arguments. George Pepper and Samuel M. Clement, of Philadelphia, and William L. Carpenter, of Detroit, represented the Philadelphia National League club.

Judge Sessions questioned counsel for the complainant with regard to the knowledge of the Chicago Federal League club magnates of the existence of the Philadelphia contract and reserve clause. He stated plainly that this was one of the complexing questions of the case for the court. He added the remedy sought by the complainants is extraordinary in the United States District; that temporary injunctions are not granted except on a showing of absolute right.

In defence of his position that the Chicago Federals had come into court with "clean hands," Mr. Gates asserted that the granting of the injunction of the reserve clause. Killifer had discharged all moral obligations under it when he waited until January 11, 1914, before signing with the Federals.

Attorney George Pepper, of Philadelphia, took the other side. His argument was woven around the epigram: "Should the seducer of an employee be entitled to equity in court?" Attorneys for the National League club took occasion briefly to defend the reserve clause and the ten-day clause.

It was brought out that the ten-day clause was eliminated from Killifer's contract and the reserve clause broadly amended subsequent to